**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

Steve Weinberg,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	**Civil Action No. 3-06-CV2332-B**
	§	**ECF**
National Football League Players	§	
Association, Roger Kaplan,	§	
Gene Upshaw, Tom DePaso,	§	
Richard Berthelson, Keith Washington,	§	
Mark Levin, and Trace Armstrong	§	
	§	
Defendants.	§	

PLAINTIFF STEVE WEINBERG'S UNOPPOSED MOTION TO EXTEND DEADLINE TO FILE PLAINTIFF'S REPLY BRIEF IN SUPPORT OF HIS MOTION TO REMAND

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, Plaintiff Steve Weinberg ("Weinberg") hereby files its Unopposed Motion to Extend Deadline to File Plaintiff's Reply Brief in Support of His Motion to Remand. Specifically, Weinberg moves for a seven (7) day extension of time until March 27, 2007 to file its Reply Brief in Support of its Motion to Remand ("Reply Brief to Motion to Remand"). The "NFLPA Defendants" which include the National Football League Players Association, Gene Upshaw, Tom DePaso, Richard Berthelson, Keith Washington, Mark Levin and Trace Armstrong, do not oppose said motion. In support of his Motion, Plaintiff Steve Weinberg states as follows :

Dockets.Justia.

I.

BACKGROUND

1. The Petition. On or about November 20, 2006, Plaintiff Steven Weinberg filed his First Amended Petition in Steve Weinberg v. National Football League Players Assoc., et al., Cause No. 06-11845, in the District Court for the 95th Judicial District of Dallas County, Texas (the "Petition").

2. The Removal. On or about December 18, 2006, the NFLPA Defendants timely removed this action to the United States District Court for the Northern District of Texas, Dallas Division. The non-NFLPA Defendants in this action (Defendants Kaplan, Shatsky, and Agnone), consented to the removal.

3. On January 31, 2007, Plaintiff filed his Motion to Remand. On March 6, 2007, the NFLPA Defendants filed their Response to Plaintiff's Motion to Remand.

4. Plaintiff's Reply Brief in Support of his Motion to Remand is due on March 20, 2007.

5. Plaintiff's counsel, Bart F. Higgins, who has the responsibility of preparing and filing Plaintiff's reply brief, was on vacation from March 5 to 12, 2007. As a result of Mr. Higgins's vacation and as a result of the unexpected withdrawal from the Friedman & Feiger law firm of one of the attorneys, Wallace Dunwoody, primarily working on the case, Plaintiff's counsel requested an additional ten (10) days to file Plaintiff's reply brief in support of his motion to remand.[1] Counsel

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[1]The NFLPA Defendants previously asked counsel for Plaintiff for a short extension of time to file a responsive pleading because such response was due in the midst of the winter holiday season. Counsel for Plaintiff hereby acknowledges that we denied the NFLPA Defendants' request for a short extension because we conditioned the grant of such extension on the NFLPA Defendants' agreeing to submit this case to binding mediation, and the NFLPA Defendants would not agree to that condition.

for the NFLPA Defendants informed Plaintiff's counsel in a telephone conversation on March 20, 2007 it would not oppose a seven (7) day extension until March 27, 2007 to Plaintiff to file its reply brief.[2]

II.

MOTION

6. In the absence of improper prejudice to a party, the Court enjoys broad discretion over the administration of its cases. *See, e.g.,* Macklin v. City of New Orleans, 293 F.3d 237, 240 (5th Cir. 2002) ("As there is no indication that the district court exercised leniency unfairly [in extending filing deadlines] or otherwise improperly prejudiced [the plaintiff], we find no abuse of discretion.") Moreover, Rule 6(b) of the Federal Rules of Civil Procedure permits the Court, in its discretion, to enlarge a period of time "for cause" when a request is made prior to the expiration of time originally allowed. Fed. R. Civ. P. 6(b).

7. Given the complexity and sheer number of issues raised in Defendants' Notice of Removal and Plaintiff's Motion to Remand, Plaintiff's counsel asks to extend the deadline until March 27, 2007 to file Plaintiff's Reply Brief in Support of his Motion to Remand. This request is also made due to the fact that undersigned counsel, Bart F. Higgins, was on vacation during the ten day period in which Plaintiff had to file a reply brief and due to the fact that another attorney for Plaintiff, Wallace Dunwoody, working on this case, withdrew from Friedman & Feiger during that time period.

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[2]The NFLPA Defendants are mindful of the Court's admonition against prolonging this case by requesting numerous extensions. Out of professional courtesy, however, the NFLPA Defendants will not oppose Plaintiff's last minute request for an extension.

8. Counsel for Defendants, Aaron Ford, informed Plaintiff's counsel, Bart F. Higgins, that the NFLPA Defendants would not oppose a seven (7) day extension for Plaintiff to file his reply brief in support of his Motion to Remand.

III.

CONCLUSION

Plaintiff Steve Weinberg respectfully requests an Order extending his deadline to file Plaintiff's Reply Brief in Support of his Motion to Remand on or before March 27, 2007.

Respectfully submitted,

FRIEDMAN & FEIGER, LLP

By: /s/ Bart F. Higgins
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ATTORNEYS FOR THE PLAINTIFF, STEVE WEINBERG

CERTIFICATE OF CONFERENCE

______This is to certify that on March 20, 2007, undersigned counsel for the Plaintiff, Bart F. Higgins, spoke with counsel for the NFLPA Defendants, Aaron Ford, who informed Plaintiff's counsel that it did not oppose a seven (7) day extension for Plaintiff to file his reply brief in support of hits motion to remand.

/s/ Bart F. Higgins

CERTIFICATE OF SERVICE

On March 20, 2007, I electronically transmitted the foregoing Plaintiffs' Unopposed Motion For Extension of Time To File Reply in Support of its Motion to Remand using the ECF System for filing a Notice of Electronic Filing to those parties registered for ECF in this case. I further certify that the foregoing document was served on all counsel of record by ECF.

/s/ Bart F. Higgins
Bart F. Higgins

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